

AMENDED IN ASSEMBLY MAY 14, 2009

AMENDED IN ASSEMBLY APRIL 20, 2009

AMENDED IN ASSEMBLY MARCH 31, 2009

CALIFORNIA LEGISLATURE—2009–10 REGULAR SESSION

ASSEMBLY BILL

No. 1304

Introduced by Assembly Member Saldana

February 27, 2009

An act to add ~~Section 6357.3 to~~ *and repeal Section 6357.3 of the Revenue and Taxation Code, relating to taxation, to take effect immediately, tax levy.*

LEGISLATIVE COUNSEL'S DIGEST

AB 1304, as amended, Saldana. Sales and use taxes: exemption: ~~electric cars; vehicles.~~

The Sales and Use Tax Law imposes a tax on retailers measured by the gross receipts from the sale of tangible personal property sold at retail in this state, or on the storage, use, or other consumption in this state of tangible personal property purchased from a retailer for storage, use, or other consumption in this state.

This bill would exempt, *until January 1, 2015*, from those taxes the sale of, or the storage, use, or other consumption of, electric vehicles, ~~electric vehicle batteries, electric vehicle infrastructure, and the labor and services rendered with respect to the exchange, installation, repair, alteration, or improvement of electric vehicle batteries and electric vehicle infrastructure,~~ as provided.

The Bradley-Burns Uniform Local Sales and Use Tax Law authorizes counties and cities to impose local sales and use taxes in conformity with the Sales and Use Tax Law, and the Transactions and Use Tax

Law authorizes districts, as specified, to impose transactions and use taxes in conformity with the Sales and Use Tax Law. ~~Amendments to the Sales and Use Tax Law are automatically incorporated into those laws.~~ *Exemptions from state sales and use taxes are incorporated in these laws. Section 2230 of the Revenue and Taxation Code provides that the state will reimburse counties and cities for revenue losses caused by the enactment of sales and use tax exemptions.*

This bill would provide that, notwithstanding Section 2230 of the Revenue and Taxation Code, no appropriation is made and the state shall not reimburse local agencies for sales and use tax revenues lost by them pursuant to this bill.

~~This bill would specify that this exemption does not apply to local sales and use taxes or to transactions and use taxes.~~

This bill would take effect immediately as a tax levy, but its operative date would depend on its effective date.

Vote: majority. Appropriation: no. Fiscal committee: yes.
State-mandated local program: ~~no~~ yes.

The people of the State of California do enact as follows:

- 1 SECTION 1. Section 6357.3 is added to the Revenue and
- 2 Taxation Code, to read:
- 3 6357.3. (a) There are exempted from the taxes imposed by
- 4 this part the gross receipts from the sale of, and the storage, use,
- 5 ~~or other consumption of all of the following:~~
- 6 (1) ~~Electric vehicles.~~
- 7 (2) ~~Electric vehicle batteries.~~
- 8 (3) ~~Labor and services rendered with respect to exchanging,~~
- 9 ~~installing, repairing, altering, or improving electric vehicle~~
- 10 ~~batteries.~~
- 11 (4) ~~Labor and services rendered with respect to installing,~~
- 12 ~~constructing, repairing, or improving electric vehicle infrastructure.~~
- 13 (5) ~~Tangible personal property that will become a component~~
- 14 ~~of electric vehicle infrastructure during the course of installing,~~
- 15 ~~constructing, repairing, or improving electric vehicle infrastructure.~~
- 16 (b) ~~For purposes of this section:~~
- 17 (1) ~~“Battery charging station” means an electrical component~~
- 18 ~~assembly or cluster of component assemblies designed specifically~~
- 19 ~~to charge batteries within electric vehicles, which meet or exceed~~
- 20 ~~any standards, codes, and regulations set forth by the Society for~~

1 ~~Automotive Engineers, the National Electrical Code, or any other~~
2 ~~federal, state, and local agencies.~~

3 (2) ~~“Battery exchange station” means an automated facility that~~
4 ~~will enable an electric vehicle with a swappable battery to enter a~~
5 ~~drive lane and exchange the depleted battery with a fully charged~~
6 ~~battery through an automated process, which meets or exceeds any~~
7 ~~standards, codes, and regulations set forth by the Society for~~
8 ~~Automotive Engineers, the National Electrical Code, or any other~~
9 ~~federal, state, and local agencies.~~

10 (3) ~~“Electric vehicle” means a passenger vehicle that uses~~
11 ~~electricity as its sole source of propulsion power, including plug-in~~
12 ~~electric vehicles and extended-range electric vehicles.~~

13 (4) ~~“Electric vehicle infrastructure” means structures, machinery,~~
14 ~~and equipment necessary to support an electric vehicle, including~~
15 ~~battery charging stations, rapid charging stations, and battery~~
16 ~~exchange stations.~~

17 (5) ~~“Rapid charging station” means an industrial grade electrical~~
18 ~~outlet and associated equipment that allows for faster recharging~~
19 ~~of electric vehicle batteries through higher power levels, which~~
20 ~~meets or exceeds any standards, codes, and regulations set forth~~
21 ~~by the Society for Automotive Engineers, the National Electrical~~
22 ~~Code, or any other federal, state, and local agencies.~~

23 (e) ~~Notwithstanding any provision of the Bradley-Burns Uniform~~
24 ~~Local Sales and Use Tax Law (Part 1.5 (commencing with Section~~
25 ~~7200)) or the Transactions and Use Tax Law (Part 1.6~~
26 ~~(commencing with Section 7251)), the exemption established by~~
27 ~~this section does not apply with respect to any tax levied by a~~
28 ~~county, city, or district pursuant to, or in accordance with, either~~
29 ~~of those laws: or other consumption of electric vehicles.~~

30 (b) *The exemption provided for by this section shall be limited*
31 *to 100 electric vehicles per manufacturer.*

32 (c) *For purposes of this section, “electric vehicle” means a*
33 *passenger vehicle that uses electricity as its sole source of*
34 *propulsion power.*

35 (d) *This section shall remain in effect only until January 1, 2015,*
36 *and as of that date is repealed.*

37 SEC. 2. *Notwithstanding Section 2230 of the Revenue and*
38 *Taxation Code, no appropriation is made by this act and the state*
39 *shall not reimburse any local agency for any sales and use tax*
40 *revenues lost by it under this act.*

1 ~~SEC. 2.~~

2 *SEC. 3.* This act provides for a tax levy within the meaning of
3 Article IV of the Constitution and shall go into immediate effect.
4 However, the provisions of this act shall become operative on the
5 first day of the first calendar quarter commencing more than 90
6 days after the effective date of this act.

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